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OF

THE ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1892.

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TITLES OF ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1892.

I. An Act to amend the Indian Tariff Act, 1882.

II. „ to validate certain marriages solemnized under Part VI of the Indian Christian Marriage Act, 1872.

III. „ to amend the Rangoon Port Commissioners Act, 1879.

IV. „ to amend the Bengal Court of Wards Act, 1879.

V. „ for the Regulation of the Bengal Military Police.

VI. „ to amend the Indian Limitation Act, 1877, and the Code of Civil Procedure.

VII. „ to establish an additional Civil Court for the City of Madras.

VIII. „ to remove doubts as to the levy and collection of tolls upon the Lansdowne Bridge over the Indus at Suk Kur in the Presidency of Bombay, and for other purposes.

IX. „ to further provide for the Administration of Towns in Lower Burma.

X. „ to provide for the levy of a rate on private estates under the management of the Government to meet the cost of supervision and management.

BENGAL SECRETARIAT LIBRARY

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TO THE

ACTS PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL IN THE YEAR 1892.

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ACT No. I OF 1892.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 16th January, 1892.)

An Act to amend the Indian Tariff Act, 1882.

XI of 1882.

WHEREAS it is expedient to amend the Indian Tariff Act, 1882; It is hereby enacted as follows:—

Commencement.

1. This Act shall be deemed to have come into force on the fifteenth day of January, 1892.

Substitution of new clause for clause (*a*) in section 5, Act XI of 1882.

XI of 1882.

2. For clause (*a*) in section 5 of the Indian Tariff Act, 1882, the following shall be substituted, namely:—

"(*a*) Foreign European Settlements bordering on any part of the territories administered by the Governor of Fort St. George in Council or by the Governor of Bombay in Council."

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ACT No. II OF 1892.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 29th January 1892.)

An Act to validate certain marriages solemnized under Part VI of the Indian Christian Marriage Act, 1872.

WHEREAS provision is made in Part VI of the Indian Christian Marriage Act, 1872, for the solemnization of marriages between persons of whom both are Native Christians, but not of marriages between persons of whom one only is a Native Christian; XV of 1872.

And whereas persons licensed under section 9 of the said Act have in divers parts of British India, through ignorance of the law, permitted marriages to be solemnized in their presence under the said Part between persons of whom one is a Native Christian and the other is not a Native Christian;

And whereas it is expedient that such marriages, having been solemnized in good faith should be validated;

It is hereby enacted as follows:—

1. This Act shall come into force at once. Commencement.

2. In this Act the expression "Native Christian" has the same meaning as in the Indian Christian Marriage Act, 1872. Definition. XV of 1872.

3. All marriages which have already been solemnized under Part VI of the Indian Christian Marriage Act, 1872, between persons of whom one only was a Native Christian, shall be as good and valid in law as if such marriages had been solemnized between persons of whom both were Native Christians: Validation of irregular marriages. XV of 1872.

Provided

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Provided that nothing in this section shall apply to any marriage which has been judicially declared to be null and void, or to any case where either of the parties has, since the solemnization of such marriage and prior to the commencement of this Act, contracted a valid marriage.

Validation of records of irregular marriages.

4. Certificates of marriages which are declared by the last foregoing section to be good and valid in law, and register-books, and certified copies of true and duly authenticated extracts therefrom, deposited in compliance with the law for the time being in force, in so far as the register-books and extracts relate to such marriages as aforesaid, shall be received as evidence of such marriages as if such marriages had been solemnized between persons of whom both were Native Christians.

Application of Act to marriages under Act V of 1865.

5. References in this Act to the Indian Christian Marriage Act, 1872, shall, so far as may be requisite, be construed as applying also to the corresponding portions of the Indian Marriage Act, 1865. XV of 1872. V of 1865.

Penalty for solemnizing irregular marriages.

6. If any person licensed under section 9 of the said Act to grant certificates of marriage between Native Christians shall at any time after the commencement of this Act solemnize or affect to solemnize any marriage under Part VI of the said Act or grant any such certificate as therein mentioned, knowing that one of the parties to such marriage or affected marriage was at the date of such solemnization not a Christian, he shall be liable to have his license cancelled, and in addition thereto he shall be deemed to have been guilty of an offence prohibited by section 73 of the said Act, and shall be punishable accordingly.

W. M. D'C.—Reg. No. 6382J—500—1-4-92.

ACT No. III OF 1892.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11th March, 1892.)

An Act to amend the Rangoon Port Commissioners Act, 1879.

WHEREAS it is expedient to amend the Rangoon Port Commissioners Act, 1879; It is hereby enacted as follows:— XV of 1879.

1. For section 5 of the said Act the following section shall be substituted:— Substitution of new section for section 5, Act XV of 1879.

"5. (*1*) If a Commissioner be appointed by virtue of his office, the person for the time being holding the office shall be a Commissioner until the Local Government shall otherwise direct. Tenure of office.

(*2*) Commissioners appointed by name shall hold office for two years, and may thereafter be re-appointed; but the Local Government may at any time accept the resignation of any such Commissioner."

2. (*1*) To section 60, clause (*d*), of the said Act, the following proviso shall be added, namely:— Additions to section 60, Act XV of 1879.

"but no Commissioner who is prohibited as hereinafter provided from voting or taking part in any proceedings shall be counted in the quorum so far as regards such proceedings."

(*2*) To section 60, clause (*e*), of the said Act, the following proviso shall be added, namely:—

"Provided that no Commissioner shall vote or take part in any proceedings relating to any loan, contract

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contract or work in which he is pecuniarily interested."

(*3*) To section 60, after clause (*f*), of the said Act, the following clause shall be added, namely:—

"(*g*) all meetings of the Commissioners shall be open to the public, unless the President shall in any particular case otherwise direct."

Addition to section 63, Act XV of 1879.

3. To section 63 of the said Act the following words shall be added, namely:—

"or to any officer or servant, the period of whose employment shall not exceed three consecutive months at any one time, and whose salary shall not exceed one hundred rupees a month."

Substitution of new section for section 71, Act XV of 1879.

4. For section 71 of the said Act the following shall be substituted, namely:—

Commissioners, &c., not to be interested in contracts, &c.

"71. (*1*) Any officer or servant of the Commissioners who shall directly or indirectly lend money to the Commissioners, or become pecuniarily interested in any contract, made by or on behalf of, the Commissioners, or participate or agree to participate in any profits of any work done by order or on behalf of the Commissioners, shall forfeit his office or employment, and shall thenceforward be incapable of holding any office or employment under the Commissioners, and shall further be punishable with fine which may extend to five hundred rupees.

(*2*) Any Commissioner who, without the previous sanction, in writing, of the Local Government, shall directly or indirectly lend money to the Commissioners, or become pecuniarily interested in any contract made by, or on behalf of, the Commissioners, or participate or agree to participate in any profits of any work done by order or on behalf of the Commissioners, and

any Commissioner who shall vote or take part in any proceedings relating to any loan, contract or work in which he is pecuniarily interested,

shall

shall forfeit his office as Commissioner, and shall be incapable of re-appointment, and shall further be punishable with fine which may extend to five hundred rupees:

Provided that nothing in this section shall apply to any Commissioner or officer or servant of the Commissioners by reason only of his—

(*a*) being a shareholder in or member of any incorporated or registered company which may lend money to, or make contracts with, or do work for or on behalf of, the Commissioners; or

(*b*) holding one or more debentures in any loan raised by the Commissioners in open market."

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ACT No. IV OF 1892.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 25th March, 1892.*)

An Act to amend the Bengal Court of Wards Act, 1879.

IX (B. C.) of 1879.

WHEREAS it is expedient to amend the Court of Wards Act, 1879, passed by the Lieutenant-Governor of Bengal in Council; It is hereby enacted as follows:—

Construction commencement.

1. (*1*) This Act shall be read with, and taken as part of, the Act aforesaid; and

(*2*) It shall come into force at once.

Addition to section 3.

2. In section 3, at the end of the clause defining "estate" the following words shall be added, namely:—"and includes a share in or of an estate other than an undivided share held in coparcenary as the property of a Hindu joint family governed by the *Mitakshara* or *Mithila* law."

Addition to section 6.

3. To section 6 the following clause shall be added, namely:—

"(*e*) persons as to whom the Local Government has declared, on their own application, that they are disqualified, and that it is expedient in the public interest that their estates should be managed by the Court."

Addition to section 7.

4. To section 7 the following proviso shall be added, namely:—

"Provided that the Court shall not be empowered to take charge of the person of a proprietor disqualified on his own application under clause (*e*) of section 6."

5. At

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Addition to section 9.

5. At the end of section 9 the following shall be added, namely :—

"And in any case in which the Court has taken charge of the property of a person disqualified from managing his own estate under the provisions of section 6, clause (*e*), it may in its discretion—

(*e*) at any time withdraw from such charge, or

(*f*) retain such charge, notwithstanding the death of the proprietor, until all debts and liabilities incurred by, or due from, the said proprietor, or which are a charge upon the property or any part thereof, together with all interest due thereon, have been discharged :

Provided that, after the death of the proprietor, the Court shall not retain charge on account of any debt or liability which has been declared by a competent Civil Court not to be binding on the representative of such deceased proprietor."

Amendment of section 10.

6. In section 10, in the place of the first two clauses the following shall be inserted, namely :—

"Whenever a Civil Court is satisfied that an order should be made under section 7 of the Guardians and Wards Act, 1890, appointing a guardian of the person or property of a minor or both ; VIII of 1890.

whenever a Civil Court removes under section 39 of the same Act the guardian of a minor."

Substitution of new section 11.

7. For section 11 the following section shall be substituted, namely :—

Procedure when any of joint proprietors ceases to be disqualified.

"Whenever one or more of the joint proprietors of whose properties the Court has taken charge ceases to be subject to the jurisdiction of the Court, the Court may retain charge of the persons and properties of the still disqualified proprietors during the continuance of their qualification.

"And, in case any person entitled to any property jointly with any disqualified proprietor shall consent thereto, the Court may retain or resume the charge of the property of such proprietor or any part thereof

so long as the property of any such disqualified proprietor as aforesaid remains in charge of the Court."

Amendment of section 12.

8. In section 12, for the words "which before the commencement of this Act was placed," the following words shall be substituted, namely:—"which either before or after the commencement of this Act was or is placed;" and at the end of the first clause, after the figures 1858, the following words shall be added, namely:—"or under any other enactment for the time being in force."

Repeal of proviso in section 48.

9. In section 48 the proviso in class III is hereby repealed.

Amendment of section 49.

10. In section 49, for the words "remains under the charge of the Court with his consent under section 11," the following words shall be substituted, namely:—"is under the charge of the Court under clause (*e*) of section 6, or under the second clause of section 11."

Amendment of section 56.

11. In section 56, instead of the words "who has consented to leave his property under the charge of the Court of Wards, as provided in the second clause of section 11," the following words shall be substituted, namely:—"whose property is under the charge of the Court under clause (*e*) of section 6, or under the second clause of section 11."

Addition to section 60.

12. To section 60 the following words shall be added, namely:—"or to assign over or charge any allowance to be received by him from the Court."

Insertion of new section after section 60.

13. After section 60 the following section shall be inserted, namely:—

Exemption of ward's property from execution proceedings in certain cases.

"60A. No property which is or has been under the charge of the Court shall be liable at any time, except with the leave of the Court, to be taken in execution of a decree made in respect of any contract entered into by the ward without the leave of the Court while his property was under such charge."

Government of India Central Printing Office.—No. 572 L. D.—21-4-92.—4,000.—A. E. deS.

ACT No. V of 1892.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th March, 1892.)

An Act for the Regulation of the Bengal Military Police.

WHEREAS it is expedient to make provision for the better regulation of the Bengal Reserve Police; It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Bengal Military Police Act, 1892.

(*2*) It extends to the whole of the territories subject to the Lieutenant-Governor of Bengal: and

(*3*) It shall come into force on such day as the Local Government may, by notification in the Calcutta Gazette, appoint in this behalf.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "Military Police-officer" means a person appointed to the Bengal Police Force under section 7 of Act V of 1861, who has signed the statement in the schedule to this Act, in accordance with the provisions of this Act:

(*2*) "active service" means service against hostile tribes or other persons in the field:

(*3*) "District Magistrate" includes a Deputy Commissioner, an Assistant Commissioner in charge of a sub-division, and the Superintendent of the South Lushai Hills:

(*4*) "Commandant" means a person appointed by the Local Government to be a Commandant of Military Police and includes a District Superintendent of

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of Police and an Assistant District Superintendent of Police in charge of the civil police of a district or of a sub-division:

(*5*) "Second-in-Command" means a person appointed by the Local Government to be a Second-in-Command of Military Police, and includes an Assistant District Superintendent of Police not in charge of the civil police of a district or of a sub-division: and

(*6*) the expressions "reason to believe," "criminal force," "assault," "fraudulently" and "voluntarily causing hurt" have the meanings assigned to them respectively in the Indian Penal Code. XLV of 1860.

Enrolment and discharge of Military Police-officers.

3. (*1*) Before an officer appointed to the Bengal Police Force under section 7 of Act V of 1861 is appointed to be a Military Police-officer, the statement in the schedule shall be read and if necessary explained to him in the presence of a Magistrate, Commandant or Second-in-Command, and shall be signed by him in acknowledgment of its having been so read to him.

(*2*) Notwithstanding any notice given under section 9 of Act V of 1861, a Military Police-officer shall not be entitled to be discharged from the Bengal Police Force except in accordance with the terms of the statement which he has signed under this Act.

Classes and grades of Military Police-officers.

4. (*1*) There may be all or any of the following classes of Military Police-officers, which shall take rank in the order mentioned, namely:—

(i) subadars-major,
(ii) subadars,
(iii) jamadars,
(iv) havildars-major,
(v) havildars,
(vi) naiks,
(vii) buglers, and
(viii) sepoys,

and such grades in each class as the Local Government may direct.

(*2*) The

(2) The expression "superior officer" in this Act means in relation to any Police-officer—

(*a*) any officer of a higher class than or of a higher grade in the same class as himself, and

(*b*) any Second-in-Command, Commandant or District Magistrate.

More heinous offences.

5. A Military Police-officer who—

(*a*) begins, excites, causes or joins in any mutiny or sedition or, being present at any mutiny or sedition, does not use his utmost endeavours to suppress it, or, knowing or having reason to believe in the existence of any mutiny, or of any intention to mutiny, does not without delay give information thereof to his commanding or other superior officer; or

(*b*) uses, or attempts to use, criminal force to or commits an assault on, his superior officer, whether on or off duty; or

(*c*) shamefully abandons or delivers up any garrison, fortress, post or guard which is committed to his charge or which it is his duty to defend; or

(*d*) directly or indirectly holds correspondence with, or assists or relieves, any person in arms against the State, or omits to discover immediately to his commanding or other superior officer any such correspondence coming to his knowledge: or

who, while on active service,—

(*e*) disobeys the lawful command of his superior officer; or

(*f*) deserts the service; or

(*g*) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave; or

(*h*) without

(*h*) without authority leaves his commanding officer, or his post or party, to go in search of plunder; or

(*i*) quits his guard, picquet, party or patrol without being regularly relieved or without leave; or

(*j*) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or forces a safeguard, or without authority breaks into any house or any other place for plunder, or plunders, destroys or damages any property of any kind; or

(*k*) intentionally causes or spreads a false alarm in action, camp, garrison or quarters,

shall be punished with transportation for life or for a term of not less than seven years, or with imprisonment for a term which may extend to fourteen years, or with fine which may extend to three months' pay, or with fine to that extent in addition to such sentence of transportation or imprisonment, as the case may be, as may be passed upon him under this section.

Less heinous offences.

6. A Military Police-officer who—

(*a*) is in a state of intoxication when on or for any duty or on parade or on the line of march; or

(*b*) strikes or attempts to force any sentry; or,

(*c*) being in command of a guard, picquet or patrol, refuses to receive any prisoner duly committed to his charge, or without proper authority releases any prisoner, or negligently suffers any prisoner to escape; or,

(*d*) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority; or

(*e*) is grossly insubordinate or insolent to his superior officer in the execution of his office; or

(*f*) refuses

(*f*) refuses to superintend or assist in the making of any field-work or other work of any description ordered to be made either in quarters or in the field; or

(*g*) strikes or otherwise ill-uses any Military Police-officer subordinate to him in rank or position; or

(*h*) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made as far as possible to the injured person and to report the case to the proper authority; or

(*i*) designedly or through neglect injures or loses, or fraudulently disposes of, his arms, clothes, tools, equipments, ammunition, accoutrements or Military Police necessaries, or any such articles entrusted to him or belonging to any other person; or

(*j*) malingers, or feigns or produces disease or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity; or

(*k*) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or

who, while not on active service,—

(*l*) disobeys the lawful command of his superior officer; or

(*m*) plunders, destroys or damages any property of any kind; or

(*n*) being a sentry, sleeps upon his post or quits it without being regularly relieved or without leave; or

(*o*) deserts the service;

shall

shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to three months' pay, or with both.

Minor punishments.

7. (*1*) A District Magistrate, Commandant or Second-in-Command, or an officer not being below the rank of subadar commanding a separate detachment or an outpost or in temporary command at the headquarters of a district during the absence of the District Magistrate, Commandant and Second-in-Command, may, without a formal trial, award to any Military Police-officer who is subject to his authority any of the following punishments for the commission of any petty offence against discipline which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to call for a prosecution before a Criminal Court, that is to say—

(*a*) imprisonment to the extent of seven days in the quarter-guard or such other place as may be considered suitable, with forfeiture of all pay and allowances during its continuance;

(*b*) punishment drill, extra guard, fatigue, or other duty, not exceeding thirty days in duration, with or without confinement to quarters.

(*2*) Any one of these punishments may be awarded separately or in combination with any one or more of the others.

Place of imprisonment.

8. A person sentenced under this Act to imprisonment for a period not exceeding three months shall, when he is also dismissed from the Bengal Police Force, be imprisoned in the nearest or such other jail as the Local Government may, by general or special order, direct; but, when he is not also dismissed from that force, he may, if the convicting officer or District Magistrate so directs, be confined in the quarter-guard or such other place as the convicting officer or District Magistrate may consider suitable.

Saving of prosecutions under other laws.

9. (*1*) Nothing in this Act shall prevent any person from being prosecuted under Act V of 1861, or under

under any order or rule made under that Act or under any other enactment for the time being in force for any act or omission punishable hereunder, or from being liable if so prosecuted to any other or higher penalty than is provided for that act or omission by this Act:

(*2*) Provided that no person shall be punished twice for the same offence.

Conferment of magisterial powers on Police-officers.

10. Notwithstanding anything in Act V of 1861 or in any other enactment for the time being in force, the Local Government may invest any Police-officer not below the rank of Commandant with the powers of a Magistrate of any class for the purpose of enquiring into or trying any offence committed by a Military Police-officer and punishable under Act V of 1861 or this Act.

Disciplinary and other powers of Commandants and Seconds-in-Command of Military Police otherwise than in respect of Military Police.

11. Subject to such rules as the Local Government may make in this behalf, a Commandant or Second-in-Command of Military Police shall have, with respect to Police-officers appointed to the Bengal Police Force under section 7 of Act V of 1861, who are not Military Police-officers, the same disciplinary powers as a District Superintendent of Police has with respect to them under that section.

Privileges of Commandants and Seconds-in-Command of Military Police as Police-officers.

12. A Commandant or Second-in-Command of Military Police shall be entitled to all the privileges which a Police-officer has under sections 42 and 43 of Act V of 1861, section 125 of the Indian Evidence Act, 1872, and any other enactment for the time being in force.

I of 1872.

Power to make rules.

13. The Local Government may, as regards the Military Police, make such orders and rules consistent with this Act as it thinks expedient.

THE SCHEDULE.

STATEMENT.

(See sections 2 and 3.)

AFTER you have served for three years in the Bengal Military Police, you may, at any time when not on active service, apply for

for your discharge, through the officer to whom you may be subordinate, to a Commandant of Military Police or to the District Magistrate of the district in which you may be serving, and you will be granted your discharge after two months from the date of your application unless your discharge would cause the vacancies in the Bengal Military Police to exceed one-tenth of the sanctioned strength; in that case you must remain until this objection is waived by competent authority or removed. But when on active service you have no claim to a discharge, and you must remain and do your duty until the necessity for retaining you in the Bengal Military Police ceases, when you may make your application in the manner hereinbefore prescribed. In the event of your re-enlistment, after you have been discharged, you will have no claim to reckon for pension or any other purpose your service previous to your discharge.

(Signature of Police-officer in acknowledgment of the above having been read to him) } *A. B.*

Signed in my presence after I had ascertained that *A. B.* understood the purport of what he signed. } *C. D., Magistrate, Commandant or Second-in-Command.*

Government of India Central Printing Office—No. 671 L. D.—18-4-92.—400.—W. P.

ACT No. VI OF 1892.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th July, 1892.)

An Act to amend the Indian Limitation Act, 1877, and the Code of Civil Procedure.

XV of 1877. XIV of 1882.

WHEREAS it is expedient to amend the Indian Limitation Act, 1877, and the Code of Civil Procedure; It is hereby enacted as follows:—

XV of 1877.

1. After section 5 of the Indian Limitation Act, 1877, the following section shall be added, namely:—

Addition of new section after section 5, Act XV of 1877.

Limitation for certain appeals or applications for review of judgment.

"5A. Whenever it is shown to the satisfaction of the Court that an appeal or an application for a review of judgment was presented after the expiration of the period of limitation prescribed for such appeal or application owing to the appellant or applicant having been misled by any order, or practice, or judgment of the High Court of the Presidency, Province, or District, such appeal or application, if otherwise in accordance with law, shall for all purposes be deemed by all Courts to have been presented within the period of limitation prescribed therefor."

XIV of 1882.

2. To Chapter XXII of the Code of Civil Procedure the following section shall be added, namely:—

Addition of new section to Chapter XXII of Code of Civil Procedure.

Applications for execution of decrees not affected.

"375A. Nothing in this Chapter shall apply to any application or other proceeding in any suit subsequent to the decree.

"*Explanation.*—An application to the Appellate Court pending an appeal is not an application subsequent

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quent to the decree appealed from within the meaning of this section."

Addition of new section after section 582 of said Code.

3. After section 582 of the said Code the following section shall be added, namely:—

Validation of certain memoranda of appeals or applications for review of judgment.

"582A. If a memorandum of appeal or application for a review of judgment has been presented within the proper period of limitation, but is written upon paper insufficiently stamped and the insufficiency of the stamp was caused by a mistake on the part of the appellant or applicant as to the amount of the requisite stamp, the memorandum of appeal or application shall have the same effect and be as valid as if it had been properly stamped: Provided that such appeal or application shall be rejected unless the appellant or applicant supplies the requisite stamp within a reasonable time after the discovery of the mistake, to be fixed by the Court."

Addition to section 647 of said Code.

4. To section 647 of the said Code the following shall be added, namely:—

"*Explanation.*—This section does not apply to applications for the execution of decrees, which are proceedings in suits."

Application of Act.

5. The provisions of this Act shall apply to every appeal and review of judgment heard after the passing hereof, notwithstanding that the judgment appealed from or under review may have been passed, or the petition of appeal or application for review presented, before the passing of this Act.

Government of India Central Printing Office.—No. 18 L. D.—16-5-92.—4,409.—A. E. deS.

THE MADRAS CITY CIVIL COURT ACT, 1892.

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BENGAL SECRETARIAT LIBRARY

ACT No. VII OF 1892.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

Received the assent of the Governor General on the 12th August, 1892.

An Act to establish an additional Civil Court for the City of Madras.

WHEREAS it is expedient to establish an additional Civil Court for the City of Madras; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Act may be called the Madras City Civil Court Act, 1892; and

(*2*) It shall come into force at once.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "City Court" means the Court established under the next following section:

(*2*) "City of Madras" means the area within the local limits for the time being of the ordinary original civil jurisdiction of the High Court:

(*3*) "High Court" means the High Court of Judicature at Madras: and

(*4*) "Small Cause Court" means the Court of Small Causes of Madras.

Constitution of the City Court.

3. The Local Government may, by notification in the official Gazette, establish a Court, to be called the Madras City Civil Court, with jurisdiction to receive, try and dispose of all suits and other proceedings of a civil nature not exceeding two thousand five hundred rupees in value and arising within the City of Madras, except suits or proceedings which are cognizable—

(*a*) by the High Court as a Court of Admiralty or Vice-Admiralty or as a Colonial Court of Admiralty,

Admiralty, or as a Court having testamentary, intestate or matrimonial jurisdiction, or

(*b*) by the Court for the relief of insolvent debtors, or

(*c*) by the Small Cause Court.

Appointment, suspension and removal of Judges.

4. The Local Government may, by notification in the official Gazette, appoint so many persons as it may think fit to be Judges of the City Court; and may, for any misconduct, by a like notification, suspend or remove any Judge so appointed.

Judge of City Court to be Judge of Small Cause Court.

5. (*1*) Every person appointed a Judge of the City Court shall be, by virtue of his office, a Judge of the Small Cause Court with respect to cases cognizable by that Court.

(*2*) Every such Judge shall be liable to perform any duties of a Judge of the Small Cause Court which the Chief Justice of the High Court may require him to perform.

Powers of Judges when City Court consists of more than one Judge.

6. When the City Court consists of more than one Judge,—

(*a*) each of the Judges may exercise all or any of the powers conferred on the Court by this Act or any other law for the time being in force;

(*b*) the Local Government may appoint any one of the Judges to be the principal Judge; and

(*c*) the principal Judge may, from time to time, make such arrangements as he may think fit for the distribution of the business of the Court among the various Judges thereof.

Appointment, powers, duties and punishment of ministerial officers.

7. (*1*) The Judge of the City Court, or, when the Court consists of more than one Judge, the principal Judge, may from time to time, with the sanction of the Local Government, appoint as many clerks, bailiffs and other ministerial officers as may be necessary for the administration of justice by the Court and for the exercise and performance of the powers and

and duties conferred and imposed on it by this Act or any other law for the time being in force.

(*2*) The officers so appointed shall exercise such powers and discharge such duties of a ministerial nature as the said Judge or principal Judge may from time to time direct.

(*3*) The said Judge or principal Judge may, subject to the control of the High Court,—

(*a*) suspend or remove any officer so appointed, or

(*b*) fine any such officer who is guilty of misconduct or neglect in the performance of the duties of his office.

(*4*) Any fine imposed on an officer under subsection (*3*) may be deducted from his salary.

Questions arising in suits, etc., under Act to be dealt with according to law administered by High Court.

8. All questions which arise in suits or other proceedings under this Act in the City Court shall be dealt with and determined according to the law for the time being administered by the High Court in the exercise of its ordinary original civil jurisdiction.

Valuation of immoveable property for jurisdictional purposes.

9. When the subject-matter of any suit or other proceeding is land or a house or a garden, its value for the purposes of the jurisdiction conferred on the City Court by this Act shall, subject to the other provisions of this Act, be fixed in manner provided by the Court-fees Act, 1870, section 7, clause v.

VII of 1870.

Process-fees.

10. Fees chargeable for serving or executing processes issued by the City Court, or served or executed under its direction or control, shall be such as the High Court may prescribe with the approval of the Governor of Fort St. George in Council and the sanction of the Governor General in Council.

Appointment of Receivers.

11. The powers conferred by Chapter XXXVI of the Code of Civil Procedure on High Courts and District Courts as to the appointment of Receivers may be exercised by the City Court or any Judge thereof.

XIV of 1882.

12. In

Amendment of Act XV of 1882, section 31.

12. In clause (*a*) of section 31 of the Presidency Small Cause Courts Act, 1882, for the words "to the High Court" the words "to the Madras City Civil Court or the High Court of Judicature at Fort William or Bombay, as the case may be," shall be substituted. XV of 1882,

Repayment of half fees on settlement before hearing.

13. Whenever any suit or proceeding in the City Court is settled by agreement of the parties before issues have been settled or any evidence recorded, half the amount of the institution fees paid by the plaintiff shall be repaid to him by the Court.

Allowance for fees paid in City Court in cases removed to High Court.

14. When, under section 13 of the Letters Patent for the High Court, dated the twenty-eighth day of December, 1865, or under section 25 of the Code of Civil Procedure, the High Court has removed for trial by itself any suit from the City Court, fees on the scale for the time being in force in the High Court as a Court of ordinary original civil jurisdiction shall be payable in that Court in respect of the suit and proceedings therein: XIV of 1882.

Provided that, in the levy of any such fees which, according to the practice of the Court, are credited to the Government, credit shall be given to the plaintiff in the suit for any fee which in the City Court he has already paid under the Court-fees Act, 1870, on the plaint. VII of 1870.

Appeals.

15. (*1*) The Court authorized to hear appeals from the City Court shall be the High Court.

(*2*) The period of limitation for an appeal from a decree or order of the City Court shall be the same as that provided by law for an appeal from a decree or order of the High Court in the exercise of its original jurisdiction.

Saving of original civil jurisdiction of High Court.

16. Nothing in this Act contained shall affect the original civil jurisdiction of the High Court:

Provided that—

(*1*) if any suit or other proceeding is instituted in the High Court which, in the opinion of the Judge who tries the same (whose opinion shall be final), ought to have been instituted in

in the City Court, no costs shall be allowed to a successful plaintiff, and a successful defendant shall be allowed his costs as between attorney and client;

(*2*) in any suit or other proceeding pending at any time in the High Court, any Judge of such Court may at any stage thereof make an order transferring the same to the City Court if in his opinion such suit or proceeding is within the jurisdiction of that Court and should be tried therein;

(*3*) in any suit or other proceeding so transferred, the Court-fees Act, 1870, shall apply, credit being given for any fees levied in the High Court.

VII of 1870.

Seal to be used.

17. The City Court shall use a seal of such form and dimensions as may be for the time being prescribed by the Local Government.

Holidays and vacations.

18. (*1*) The Judge of the City Court, or, when the Court consists of more than one Judge, the principal Judge, shall, at the commencement of each year, draw up a list of holidays and vacations to be observed in the Court, and shall submit the same for the approval of the Local Government.

(*2*) Such list, when it has received such approval, shall be published in the official Gazette, and the said holidays and vacations shall be observed accordingly.

Government of India Central Printing Office.—No. 24 L. D.—20-9-92—3,900.—A. L. deg.

ACT No. VIII OF 1892.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 22nd October, 1892.*)

An Act to remove doubts as to the levy and collection of tolls upon the Lansdowne Bridge over the Indus at Sukkur in the Presidency of Bombay, and for other purposes.

Bom. Act III of 1875.

WHEREAS by an Act passed by the Governor of Bombay in Council, intituled "an Act for enabling Government to levy tolls on public roads and bridges in the Presidency of Bombay," the Act of the

VIII of 1851.

Governor General in Council "for enabling Government to levy tolls on public roads and bridges" was repealed as far as it affected the Presidency of Bombay;

And whereas the bridge on the line of the North-Western Railway over the Indus at Sukkur in the said Presidency of Bombay, commonly known as "The Lansdowne Bridge," was made and is repaired at the expense of the Government of India;

And whereas, in consequence of such repeal as aforesaid, doubts have arisen whether or not there is any subsisting authority competent to impose and levy tolls for the use of the said bridge, and it is expedient to remove such doubts;

It is enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Lansdowne Bridge Act, 1892.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Levy of tolls

2. Notwithstanding the repeal of the lastly hereinbefore

[*Price one anna and three pies.*]

hereinbefore mentioned Act, the Governor General in Council may cause such rates of toll, not exceeding the rates mentioned in the schedule annexed to that Act, as he may think fit to be levied in respect of the said Lansdowne Bridge, and may place the collection of such tolls under the management of such persons as may appear to him proper : and all the provisions of the said last mentioned Act shall apply to such tolls and the collection and recovery thereof in the same manner as if such provisions were herein re-enacted verbatim. VIII of 1851.

Validation of past levy of tolls.

3. All tolls heretofore levied or collected upon the said Lansdowne Bridge under the authority of the Governor General in Council or of the Governor of Bombay in Council shall be deemed to have been duly levied and collected under the authority of the said Act as if the same had not been repealed.

Application of Act to public roads and bridges.

4. Where any public road or bridge has or shall have been made and repaired at the expense of the Government of India and no other adequate provision shall have been made for the levy and collection of tolls thereon, the Governor General in Council may, by notification in the Gazette of India, apply this Act to such road or bridge, and thereupon all the provisions of this Act shall apply to such road or bridge as if the same had been herein named in addition to the said Lansdowne Bridge.

Government of India, Central Printing Office.—No. 37 L. D.—15-11-92.—4,100.—J. R

ACT No. IX OF 1892.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 25th October, 1892.*)

An Act to further provide for the Administration of Towns in Lower Burma.

WHEREAS it is expedient to further provide for the administration of towns in Lower Burma; It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Lower Burma Towns Act, 1892.

(*2*) It extends to the whole of Lower Burma; and

(*3*) It shall come into force on such day as the Local Government may, by notification in the Burma Gazette, appoint in this behalf.

Definition.

2. In this Act "town" means an area declared by the Local Government, by notification in the Burma Gazette, to be a town for the purposes of the Act:

Provided that no such declaration shall be made with respect to any military cantonment, or part of a military cantonment, without the previous consent of the Governor General in Council.

Wards and blocks and headmen and elders.

3. (*1*) The Deputy Commissioner may, by order in writing, divide any town into wards and any ward into blocks.

(*2*) The Deputy Commissioner may, by a like order, appoint any person, with the consent of such person, to be the headman of a ward or the elder of a block.

(*3*) The Deputy Commissioner may, by a like order, for reasons to be stated therein, suspend or dismiss the headman of a ward or the elder of a block.

4. (*1*) Every

[*Price two annas.*]

Report of certain matters by headmen and elders.

4. (*1*) Every headman of a ward shall communicate forthwith to the officer in charge of the nearest police-station or to the nearest Magistrate any information which he may obtain respecting—

(*a*) the permanent or temporary residence of any notorious receiver or vendor of stolen property in his ward;

(*b*) the resort to any place within, or the passage through, his ward of any person whom he may know or reasonably suspect to be a dacoit, robber, escaped convict or proclaimed offender;

(*c*) the commission of, or attempt or intention to commit, within his ward, any of the following offences, namely :—

(i) murder;

(ii) culpable homicide not amounting to murder;

(iii) dacoity;

(iv) robbery;

(v) offences against the Indian Arms Act, 1878; and XI of 1878.

(vi) any other offence respecting which the Deputy Commissioner, by general or special order, with the previous sanction of the Local Government, may direct him to communicate information;

(*d*) the occurrence in his ward of any sudden or unnatural death, or of death under suspicious circumstances.

(*2*) Every elder of a block shall communicate forthwith to the headman of his ward any information which he may obtain respecting any of the matters specified in sub-section (*1*) which may exist or occur in his block, and, in the absence of the headman of his ward, he shall communicate the information forthwith to the officer in charge of the nearest police-station.

5. (*1*) The

5. (*1*) The headman of a ward shall be bound— General duties of headman and elders.

(*a*) to assist the police in the investigation of every offence respecting which he is required by the last foregoing section to communicate information;

(*b*) to search for and use his utmost endeavours to arrest any person whom he may have reason to believe to have been concerned in the commission or attempted commission of any such offence, and to recover, if possible, any property taken by any such person;

(*c*) to arrest any person found lurking within the limits of the ward who cannot give a satisfactory account of himself;

(*d*) to forward, as soon as may be, to the nearest police-station, any person arrested by him or made over to his custody, together with any weapon or other article likely to be useful as evidence;

(*e*) to prevent to the best of his ability the commission of any offence regarding which he is required by section 4, sub-section (*1*), to communicate information, and to arrest the person designing to commit such offence if it appears to him that the commission of such offence cannot otherwise be prevented;

(*f*) to collect or aid in collecting, to the utmost of his ability, any revenue or other money due to the Government or to a municipal committee from residents of the ward or persons holding land therein;

(*g*) to report to such officer as may be appointed by the Deputy Commissioner in this behalf all trespass or encroachments upon, and injuries to, State land and public property which may occur within his ward, and of which he may reasonably and fairly be expected to have cognizance;

(*h*) if

(*h*) if so ordered by the Deputy Commissioner, in accordance with such rules as may be made in this behalf by the Commissioner with the previous sanction of the Local Government, to register all births and deaths which take place within the ward, and any other vital statistics which may be prescribed by such rules;

(*i*) to take such measures for the prevention of fires and public nuisances and for the general sanitation of the ward as may be prescribed by any rules made in this behalf by the Commissioner with the previous sanction of the Local Government;

(*j*) to report all cases of small-pox, cholera and cattle-disease which occur within his ward and of which he may reasonably and fairly be expected to have cognizance, and to supply, to the best of his ability, any local information which any Magistrate, officer of police or municipal officer may require; and

(*k*) generally to assist all officers of the Government and municipal officers in the execution of their public duties.

(*2*) The elder of a block shall be bound to assist the headman of his ward in the performance of the duties prescribed in sub-section (*1*):

Provided that in making a declaration under section 2 with respect to any town the Local Government may direct that any of the foregoing clauses shall not apply to that town.

Penalty for neglect of duty by headman or elder.

6. If any headman of a ward or elder of a block neglects, without reasonable excuse, to perform any of the duties imposed upon him by this Act or any rule made thereunder, he shall be liable to a fine which may extend to fifty rupees.

Obligation on residents of ward to aid headman.

7. (*1*) Every person residing in a ward shall, on the requisition of the headman, be bound to assist him in the execution of his public duties.

(*2*) If

(*2*) If any such person refuses or neglects to comply with any lawful requisition of the headman, he shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, be liable to a fine which may extend to fifty rupees.

Finality of orders.

8. (*1*) No appeal shall lie from any order made under this Act or any rule made thereunder.

(*2*) But the Deputy Commissioner may revise any such order made by any officer subordinate to him, and the Commissioner may revise any such order made by the Deputy Commissioner.

(*3*) Save as provided by this section, every order made under this Act shall be final, and shall not be liable to be contested by suit or otherwise.

Power to make rules.

9. (*1*) The Local Government may, subject to the control of the Governor General in Council, make rules consistent with the foregoing sections for carrying into effect the purposes of this Act.

(*2*) All such rules shall be published in the Burma Gazette, and shall thereupon have the force of law.

Government of India, Central Printing Office.—No. 38 L. D.—15-11-92.—4,400.—J. B.

ACT No. X OF 1892.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 25th October, 1892.*)

An Act to provide for the levy of a rate on private estates under the management of the Government to meet the cost of supervision and management.

WHEREAS it is expedient to provide for the levy of a rate on private estates under the management of the Government to cover the cost of all Government establishments in so far as they are employed in the supervision and management of such estates, other than establishments specially entertained for any particular estate or group of estates, and to meet all contingent expenditure incurred by the Government in connection with such supervision and management; It is hereby enacted as follows :—

Title, extent and commencement.

1. (*1*) This Act may be called the Government Management of Private Estates Act, 1892.

(*2*) It extends to the whole of British India, inclusive of Upper Burma and British Baluchistan; and

(*3*) It shall come into force at once.

Definition.

2. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "immoveable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened

[*Price one anna and nine pies.*]

fastened to anything which is attached to the earth but not standing timber, growing crops or grass;

(*2*) "gross income" includes all receipts of every kind in produce or cash, except money borrowed, recoveries of principal and the proceeds of sale of immoveable property or of moveable property properly classed as capital; and

(*3*) "private estates under Government management" include—

(*a*) estates under the Court of Wards;

(*b*) encumbered estates under Government management;

(*c*) estates attached for default of payment of Government revenue;

(*d*) minors' estates placed under the guardianship of a revenue-officer of the Government by a Civil Court;

(*e*) estates managed by a Collector in pursuance of any order made under the Code of Civil Procedure; and XIV of 1882.

(*f*) all other estates made over to or taken under the management of a revenue-officer of the Government as such under any law for the time being in force or in virtue of any agreement.

Power to levy rate.

3. It shall be lawful for the Local Government—

(*1*) to levy on all private estates under Government management a rate, not exceeding five per cent. on the gross income, calculated, as nearly as may be possible, to cover—

(*a*) the cost of all Government establishments in so far as they may be employed in the supervision or management of such estates other than establishments specially entertained for the supervision or management of any particular estate or group of estates, and

(*b*) all

(*b*) all contingent expenditure incurred in consequence of such supervision or management;

(*2*) from time to time to vary such rate; and

(*3*) to reduce or remit such rate in any special case or cases as may be equitable:

Provided that, in deciding the amount of the rate to be levied under this Act on any particular estate or group of estates, the Local Government shall consider the expenditure incurred on special establishments for such estate or estates.

Power to levy special charges.

4. In cases where an officer of the Government is employed to give legal advice or to audit accounts on behalf of any estate, the Local Government, if it considers the services rendered to be of a special nature, may, in its discretion, direct a special charge to be made against that estate on account of such services, irrespective of the rate leviable under the last foregoing section.

Saving as to special expenditure.

5. Nothing in this Act shall apply to the cost of establishments specially entertained or to expenditure of any description specially incurred in respect of any particular estate or estates.

Validation of levy of past rates.

6. All rates for general supervision or management levied by any Local Government before the commencement of this Act shall be deemed to have been levied under this Act.

Power to make rules.

7. The Local Government may make any rules and issue any orders which may be necessary for carrying this Act into effect, and which are consistent therewith.

Exemption from jurisdiction of Courts.

8. Where any Government establishment is employed in such supervision as aforesaid, the Local Government shall be the sole judge of the cost attributable to such employment, and its decision thereon shall not be questioned in any Court of Law or otherwise.

9. Section

Repeal.

9. Section 17 of the Court of Wards Act, 1879 (passed by the Lieutenant-Governor of Bengal in Council), and so much of Act III of 1881 (also passed by the Lieutenant-Governor of Bengal in Council) as relates to section 17 of the said Court of Wards Act, 1879, are hereby repealed. Ben. IX of 1879.

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